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5  
6 Attorney for Defendant/Counterclaimant.  
Dataway, Inc.

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**  
11

12 AT&T Corp.

13 PLAINTIFF,

14 v.

15 Dataway, Inc.

16 DEFENDANT.  
17  
18

19 Dataway, Inc.

20 COUNTERCLAIMANT

21 v.

22 AT&T Corp.

23 COUNTERDEFENDANT  
24

**CASE NO. C07-02440 MMC**

**DECLARATION OF ANNE-LEITH  
MATLOCK IN SUPPORT OF MOTION  
TO DISMISS COMPLAINT FILED BY  
AT&T**

**Date: Friday, December 14, 2007  
Time: 9:00 am  
Courtroom: No. 7**

25 I, ANNE-LEITH MATLOCK, declare:

26 1. I am an attorney at law licensed to practice before all Courts of the State  
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1 of California and before the Courts of the Eastern and Northern District of California. I  
2 am a partner of the law firm Matlock Law Group, attorneys of record for Defendant and  
3 Counter-Claimant Dataway, Inc. (hereinafter "Dataway").

4 2. Attached hereto as Exhibit "A" is a true and correct copy of the Anti-  
5 Slamming Agreement and the telecommunication contract entered into by SBC/AT&T  
6 and Dataway, Inc. that authorized SBC to become Dataway's new and only service  
7 provider for local and long distance services.

8 3. Attached hereto as Exhibit "B" is a true and correct copy of the Service  
9 Bill in which AT&T claims charges in the amount of \$ 11,534.67 for the disputed calls.

10 4. Attached hereto as Exhibit "C" is the Declaration of Simon Lewis,  
11 President of Dataway, which I hereby incorporate herein by reference.

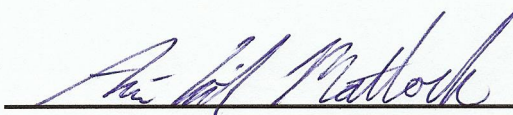
12 5. Attached hereto as Exhibit "D" is AT&T's Disconnect Notice.

13 6. Attached hereto as Exhibit "E" is a form that Dataway sent on demand  
14 to AT&T's Fraud Resolution Group.

15 7. I have reviewed the facts set forth in AT&T's Complaint and conclude  
16 that AT&T's Complaint is without merit and that the facts at hand provide the basis for  
17 this motion to dismiss AT&T's complaint.

18  
19 I declare under penalty of perjury under the laws of the United States that the  
20 foregoing is true and correct. I could and would competently testify thereto, if called  
21 upon as a witness.

22 This declaration is executed this 9<sup>th</sup> of November 2007, at Walnut Creek,  
23 California.

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26 Anne-Leith W. Matlock  
27 Attorney for Dataway, Inc.  
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